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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

40770-000127/US

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

RECEIVED

FEB 04 2011

02/02/2011 DALLEN 00000010 7102901

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2620.00 OP

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 7,102,901

Application Number 10/058,454

Issue Date September 5, 2006

Filing Date January 28, 2002

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above – identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____

Repln. Ref: 02/02/2011 DALLEN 0012403100
DAH:000750 Name/Number:7102901
FC: 9204 \$130.00 SR

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Date

Signature

Typed or Printed Name of Person Signing Certificate

1. SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

| NOT Small Entity | | | Small Entity | | |
|--|-------------|--------|-----------------------------|-------------|--------|
| Amount | Fee | (Code) | Amount | Fee | (Code) |
| <input checked="" type="checkbox"/> \$ 980 | 3 ½ yr fee | (1551) | <input type="checkbox"/> \$ | 3 ½ yr fee | (2551) |
| <input type="checkbox"/> \$ | 7 ½ yr fee | (1552) | <input type="checkbox"/> \$ | 7 ½ yr fee | (2552) |
| <input type="checkbox"/> \$ | 11 ½ yr fee | (1553) | <input type="checkbox"/> \$ | 11 ½ yr fee | (2553) |

MAINTENANCE FEE BEING SUBMITTED \$ 980

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 130 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 130

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 2750

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 08-0750

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7. OVERPAYMENT

As to any overpayment made please

OR ☒ Credit to Deposit Account No. 08-0750
☐ Send refund check


WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED


Signature(s) of Petitioner(s)

January 31, 2011
Date

Donald J. Daley
Typed or printed name(s)

34313
Registration Number, if applicable

703-668-8000
Telephone Number

Harness, Dickey & Pierce, P.L.C.
Address

P.O. Box 8910, Reston, VA 20195
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

- ☒ Maintenance Fee Payment
☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
☒ Petition Fee